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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 03, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:15-cr-6049-EFS-21

Plaintiff,

v.

MIGUEL REYES GARCIA,

**ORDER GRANTING DEFENSE
COUNSEL'S MOTION TO
WITHDRAW AND REFERRING
THIS MATTER TO THE
MAGISTRATE FOR
APPOINTMENT OF COUNSEL**

Defendant.

Before the Court is defense counsel Kenneth Therrien's Motion to Withdraw as Attorney and Appointment of Appellate Counsel, ECF No. 1197. The Court finds that Mr. Therrien's continued service could constitute a constructive denial of Defendant Miguel Reyes Garcia's Sixth Amendment right to counsel. *See Daniels v. Woodford*, 428 F.3d 1181, 1198 (9th Cir. 2005). As such, the Court finds good cause to allow Mr. Therrien to withdraw as counsel. The Court refers this matter to the magistrate judge to appoint new appellate counsel.

Accordingly, **IT IS HEREBY ORDERED:**

1. **The Clerk's Office shall REFER this matter to Magistrate Judge John T. Rodgers for the purpose of appointing appellate counsel.**
2. **Judge Rodgers shall appoint appellate counsel to represent Defendant Miguel Reyes Garcia and provide a copy of this Order to the newly appointed counsel.**

3. The Clerk's Office shall TERMINATE Kenneth Therrien as counsel for Defendant.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel, including Mr. Therrien, and Magistrate Judge Rodgers.

DATED this 3rd day of April 2019.

s/Edward F. Shea

EDWARD F. SHEA

Senior United States District Judge